

Notice of Allowability

Application No.

09/214,840

Examiner

Sow-Fun Hon

Applicant(s)

HAMMER ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 11/24/03.
2. ☒ The allowed claim(s) is/are 1-6,9-11,13-23 and 25 renumbered 1-6, 7-9, 10-20,21.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06/08/00
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 02/05/04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Schwaab's associate Paul Strane on 02/05/04.

The application has been amended as follows:

- a. Claim 24 is cancelled.
- b. In the amendment filed 11/24/03:
 - i. Claim 1: delete lines 3-4, "surface of ... permanently", and insert - - surface of the tubular foodstuff casings based on cellulose hydrate, and then inactivating the at least one cellulase permanently before filling the tubular foodstuff casings - -
 - ii. Claim 4: delete line 4, "hydrate ... is allowed to", and insert - - hydrate and then inactivating the at least one cellulase permanently, wherein the cellulase is allowed to - -
 - iii. Claim 6: delete line 3, and insert - - a modified surface comprising permanently inactivated cellulase before filling the tubular foodstuff casing - -
 - iv. Claim 19: delete lines 3-4, "wherein the step ... in a gel state", and insert - - wherein the step of allowing the at least one cellulase to act on the shaped article occurs while the cellulose is in a gel state. - -

- v. Claim 20: delete line 5, "wherein said allowing ... shaped article", and insert - - wherein the step of allowing the at least one cellulase to act on the shaped article occurs - -
- vi. Claim 25: in line 2: after "claim 4, wherein the", substitute "cellulose" with - - cellulase - -
- c. In the specification filed 01/13/1999:
 - vii. Page 1: below the title "Moulded articles of cellulose hydrate with enzymatically modified surface", insert - -

This application is a 371 of PCT/EP97/03530 filed July 4, 1997, and claims priority from German application No. 19628232.2, filed July 14, 1996. - - , insert a blank line, and then insert - - BACKGROUND OF INVENTION - -
 - vii. Page 2: above line 30 (as labelled in the left margin), insert - -

SUMMARY OF INVENTION - -
 - viii. Page 3: above line 20 (as labelled in the left margin), insert - -

DETAILED DESCRIPTION OF INVENTION - -

2. The following is an examiner's statement of reasons for allowance: the closest cited prior art of record US 5,736,179 fails to teach a tubular food stuffing based on cellulose hydrate, the surface of which is modified by the time-limited action of at least one cellulase to produce a modified surface comprising permanently inactivated cellulase before filling the tubular foodstuff casing. The time-limited surface roughening by the cellulase prior to the permanent deactivation of the cellulase on the surface of the casing, provides the casing with a different

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surface roughened profile than the natural process of cellulase acting during the manufacture and storage of the sausage casings before cooking, or the deliberate breakdown of the casing for recycling.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH
Sow-Fun Hon
02/10/04

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

2/10/04